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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,700	04/09/2004	Yugo Watanabe	251599US90	8740

22850 7590 07/26/2006

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ALEXANDRIA, VA 22314

EXAMINER
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GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/820,700

Applicant(s)

WATANABE ET AL.

Examiner

Jean A. Gelin

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is in response to the Applicant's arguments and amendments filed on April 24, 2004 in which claims 1, 6, 7, and 9 have been amended, and claims 10-13 have been added.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusch (US 6,801,777) in view of Stuart et al. (US 2002/0101858).

Regarding claims 1, 2, and 10-11, Rusch teaches controlling mobile communication by a mobile terminal in a network in which a plurality of wireless systems are available (figs. 1), comprising: selecting, from among the wireless systems, a wireless system with which the mobile terminal performs location registration, based on at least one of a status of the network, a status of the mobile terminal, location information of the mobile terminal, a frequency of incoming call reception of the mobile terminal, and service area information of the wireless systems (the selected network for communication inherently includes the registration of the mobile terminal, and the network can be selected for various criteria, cols. 2-4, and col. 6, lines 13-65).

Rusch teaches selecting the wireless system at the mobile terminal (col. 2, lines 25-40. But Rusch does not specifically teach using a network control function layer to select wireless system.

However, the preceding limitation is known in the art of communications. Stuart teaches a server is used to facilitate selection of appropriate communications services in a network that can provide services to users via different network (paragraphs 49 and 54-55). Given that rearranging parts of an invention involves only routine skill in the art, and Stuart discloses the selection of services can perform at the server, which is part of the network, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the technique of Stuart within the system of Rusch in order that mobile terminal can transition between communication networks when a network become available.

Regarding claim 3, Rusch in view of Stuart teaches all the limitations above. Stuart further teaches wherein the selector is arranged to select a wireless system different from a wireless system specified in a location registration request from the mobile terminal (connection with a communication unit is maintained regardless of varying location, and the server selects the connection node accordingly, paragraphs 67-70).

Regarding claim 4, Rusch in view of Stuart teaches all the limitations above. Stuart further teaches the instructor is arranged to instruct the mobile terminal to change a wireless system with which the mobile terminal performs location registration (prior to

Art Unit: 2617

any connection the mobile should perform registration at least for billing purpose, paragraphs 63, and 66-68).

Regarding claim 5, Rusch in view of Stuart teaches all the limitations as recited in claim 1 above, wherein a group manager corresponds to the server, and a group of mobile terminal corresponds to a plurality of wireless communication devices in the coverage of a particular system such as GSM, WCDMA, and Bluetooth.

4. Claims 6-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rusch (US 6,801,777) in view of Lindell et al. (US 2002/0039892).

Regarding claims 6-9, and 12-13, Rusch teaches mobile terminal (wireless communication device 100) for mobile communication in a network in which a plurality of wireless systems are available (fig. 1), the mobile terminal comprising: a selector (controller 110 has the capability to select system, col. 2, lines 15-40 and col. 3, lines 15-65) configured to select, from among the wireless systems, a wireless system with which to perform location registration, based on user preferences (col. 2, lines 20-35); and a location registration controller configured to perform location registration with the selected wireless system (at least for billing purpose the mobile terminal should register to a selected system prior to receive services from the system, this is inherent in the system of Rusch, and selecting a system based on geographic location corresponds to location registration, col. 4, lines 14-54); Rusch further teaches a memory to store various geographic location to determines the characteristics of available communication networks, i.e., corresponding showing the location of the mobile and the system, col. 4, lines 35-54).

Rusch does not specifically teach performing location registration, based on a movement speed of the mobile station a frequency of incoming call reception of the mobile terminal. However, the preceding limitation is known in the art of communications. Lindell teaches that users select the access network and serviced based on user preferences such as speed, required bandwidth (paragraphs 8, 33-35, and 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the technique of Lindell within the system of Rusch in order that user can program the wireless communication to select the preferred system when needed.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rudkin et al.	US 2006/0149854	07/06/2006
Busuioc et al.	US 6,151,309	11/21/2000

Art Unit: 2617

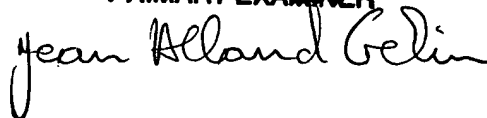
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin  
July 15, 2006

**JEAN GELIN**  
**PRIMARY EXAMINER**

A handwritten signature in cursive script that reads "Jean A. Gelin". The signature is written in black ink and is positioned below the printed name and title.